

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TYCO INTERNATIONAL LTD. and
TYCO INTERNATIONAL (US) INC.,

Plaintiffs/Counterclaim Defendants,

v.

L. DENNIS KOZLOWSKI,

Defendant/Counterclaim Plaintiff.

Civil Action No. 02-cv-7317 (TPG)

**DECLARATION OF MARK L. LEVINE
IN SUPPORT OF TYCO'S RESPONSE IN OPPOSITION
TO MOTION *IN LIMINE* OF L. DENNIS KOZLOWSKI TO
STRIKE PLAINTIFFS' JURY DEMAND**

I, Mark L. Levine, a partner with Bartlit Beck Herman Palenchar & Scott LLP and counsel for Plaintiffs Tyco International Ltd. and Tyco International (US) Inc. (collectively "Tyco"), respectfully submit this declaration in support of Tyco's Response in Opposition to Motion *in Limine* of L. Dennis Kozlowski to Strike Plaintiffs' Jury Demand, and declare under penalty of perjury as follows:

1. Attached hereto as Exhibit 1 is a true and correct copy of the Joint Pretrial Order, filed with Orders and Judgments Clerk of the Court, dated July 31, 2012.
2. Attached hereto as Exhibit 2 is a true and correct copy of an e-mail from Mark L. Levine to Jyotin Hamid dated July 17, 2012, attaching Tyco's edits to the draft Joint Pretrial Order.
3. Attached hereto as Exhibit 3 is a true and correct copy of an excerpt of trial testimony of L. Dennis Kozlowski taken in *People v. Kozlowski and*

Swartz, Supreme Court of New York County, No. 5259-02, dated April 27, 2005.

4. Attached hereto as Exhibit 4 is a true and correct copy of an excerpt of L. Dennis Kozlowski's parole board hearing transcript (Tyco PX8), dated April 4, 2012.

Signed this 31st day of July, 2012, in Chicago, Illinois.

/s/ Mark L. Levine

Mark L. Levine